

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 165, 164, 248 & 168

95TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, February 25, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 4, 2009.

Taken up March 4, 2009. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

0920S.02P

AN ACT

To repeal sections 67.1360 and 94.902, RSMo, and to enact in lieu thereof four new sections relating to certain taxes imposed by local governments.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 67.1360 and 94.902, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 67.1360, 94.271, 94.902,
3 and 137.1040, to read as follows:

67.1360. The governing body of:

2 (1) A city with a population of more than seven thousand and less than
3 seven thousand five hundred;

4 (2) A county with a population of over nine thousand six hundred and less
5 than twelve thousand which has a total assessed valuation of at least sixty-three
6 million dollars, if the county submits the issue to the voters of such county prior
7 to January 1, 2003;

8 (3) A third class city which is the county seat of a county of the third
9 classification without a township form of government with a population of at least
10 twenty-five thousand but not more than thirty thousand inhabitants;

11 (4) Any fourth class city having, according to the last federal decennial
12 census, a population of more than one thousand eight hundred fifty inhabitants
13 but less than one thousand nine hundred fifty inhabitants in a county of the first
14 classification with a charter form of government and having a population of
15 greater than six hundred thousand but less than nine hundred thousand

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 inhabitants;

17 (5) Any city having a population of more than three thousand but less
18 than eight thousand inhabitants in a county of the fourth classification having
19 a population of greater than forty-eight thousand inhabitants;

20 (6) Any city having a population of less than two hundred fifty inhabitants
21 in a county of the fourth classification having a population of greater than
22 forty-eight thousand inhabitants;

23 (7) Any fourth class city having a population of more than two thousand
24 five hundred but less than three thousand inhabitants in a county of the third
25 classification having a population of more than twenty-five thousand but less
26 than twenty-seven thousand inhabitants;

27 (8) Any third class city with a population of more than three thousand two
28 hundred but less than three thousand three hundred located in a county of the
29 third classification having a population of more than thirty-five thousand but less
30 than thirty-six thousand;

31 (9) Any county of the second classification without a township form of
32 government and a population of less than thirty thousand;

33 (10) Any city of the fourth class in a county of the second classification
34 without a township form of government and a population of less than thirty
35 thousand;

36 (11) Any county of the third classification with a township form of
37 government and a population of at least twenty-eight thousand but not more than
38 thirty thousand;

39 (12) Any city of the fourth class with a population of more than one
40 thousand eight hundred but less than two thousand in a county of the third
41 classification with a township form of government and a population of at least
42 twenty-eight thousand but not more than thirty thousand;

43 (13) Any city of the third class with a population of more than seven
44 thousand two hundred but less than seven thousand five hundred within a county
45 of the third classification with a population of more than twenty-one thousand but
46 less than twenty-three thousand;

47 (14) Any fourth class city having a population of more than two thousand
48 eight hundred but less than three thousand one hundred inhabitants in a county
49 of the third classification with a township form of government having a
50 population of more than eight thousand four hundred but less than nine thousand
51 inhabitants;

52 (15) Any fourth class city with a population of more than four hundred
53 seventy but less than five hundred twenty inhabitants located in a county of the
54 third classification with a population of more than fifteen thousand nine hundred
55 but less than sixteen thousand inhabitants;

56 (16) Any third class city with a population of more than three thousand
57 eight hundred but less than four thousand inhabitants located in a county of the
58 third classification with a population of more than fifteen thousand nine hundred
59 but less than sixteen thousand inhabitants;

60 (17) Any fourth class city with a population of more than four thousand
61 three hundred but less than four thousand five hundred inhabitants located in
62 a county of the third classification without a township form of government with
63 a population greater than sixteen thousand but less than sixteen thousand two
64 hundred inhabitants;

65 (18) Any fourth class city with a population of more than two thousand
66 four hundred but less than two thousand six hundred inhabitants located in a
67 county of the first classification without a charter form of government with a
68 population of more than fifty-five thousand but less than sixty thousand
69 inhabitants;

70 (19) Any fourth class city with a population of more than two thousand
71 five hundred but less than two thousand six hundred inhabitants located in a
72 county of the third classification with a population of more than nineteen
73 thousand one hundred but less than nineteen thousand two hundred inhabitants;

74 (20) Any county of the third classification without a township form of
75 government with a population greater than sixteen thousand but less than
76 sixteen thousand two hundred inhabitants;

77 (21) Any county of the second classification with a population of more
78 than forty-four thousand but less than fifty thousand inhabitants;

79 (22) Any third class city with a population of more than nine thousand
80 five hundred but less than nine thousand seven hundred inhabitants located in
81 a county of the first classification without a charter form of government and with
82 a population of more than one hundred ninety-eight thousand but less than one
83 hundred ninety-eight thousand two hundred inhabitants;

84 (23) Any city of the fourth classification with more than five thousand two
85 hundred but less than five thousand three hundred inhabitants located in a
86 county of the third classification without a township form of government and with
87 more than twenty-four thousand five hundred but less than twenty-four thousand

88 six hundred inhabitants;

89 (24) Any third class city with a population of more than nineteen
90 thousand nine hundred but less than twenty thousand in a county of the first
91 classification without a charter form of government and with a population of more
92 than one hundred ninety-eight thousand but less than one hundred ninety-eight
93 thousand two hundred inhabitants;

94 (25) Any city of the fourth classification with more than two thousand six
95 hundred but less than two thousand seven hundred inhabitants located in any
96 county of the third classification without a township form of government and with
97 more than fifteen thousand three hundred but less than fifteen thousand four
98 hundred inhabitants;

99 (26) Any county of the third classification without a township form of
100 government and with more than fourteen thousand nine hundred but less than
101 fifteen thousand inhabitants;

102 (27) Any city of the fourth classification with more than five thousand four
103 hundred but fewer than five thousand five hundred inhabitants and located in
104 more than one county;

105 (28) Any city of the fourth classification with more than six thousand
106 three hundred but fewer than six thousand five hundred inhabitants and located
107 in more than one county through the creation of a tourism district which may
108 include, in addition to the geographic area of such city, the area encompassed by
109 the portion of the school district, located within a county of the first classification
110 with more than ninety-three thousand eight hundred but fewer than ninety-three
111 thousand nine hundred inhabitants, having an average daily attendance for
112 school year 2005-06 between one thousand eight hundred and one thousand nine
113 hundred;

114 (29) Any city of the fourth classification with more than seven thousand
115 seven hundred but less than seven thousand eight hundred inhabitants located
116 in a county of the first classification with more than ninety-three thousand eight
117 hundred but less than ninety-three thousand nine hundred inhabitants;

118 (30) Any city of the fourth classification with more than two thousand
119 nine hundred but less than three thousand inhabitants located in a county of the
120 first classification with more than seventy-three thousand seven hundred but less
121 than seventy-three thousand eight hundred inhabitants;

122 (31) Any city of the third classification with more than nine thousand
123 three hundred but less than nine thousand four hundred inhabitants; [or]

124 (32) Any city of the fourth classification with more than three thousand
125 eight hundred but fewer than three thousand nine hundred inhabitants and
126 located in any county of the first classification with more than thirty-nine
127 thousand seven hundred but fewer than thirty-nine thousand eight hundred
128 inhabitants;

129 **(33) Any fourth class city with a population of more than one**
130 **thousand eight hundred but less than one thousand nine hundred**
131 **inhabitants located in a county of the first classification with a**
132 **population of more than one hundred thirty-five thousand but less than**
133 **one hundred thirty-six thousand inhabitants; or**

134 **(34) Any city of the fourth classification with more than three**
135 **thousand eight hundred but fewer than four thousand inhabitants and**
136 **located in more than one county;**

137 may impose a tax on the charges for all sleeping rooms paid by the transient
138 guests of hotels, motels, bed and breakfast inns and campgrounds and any
139 docking facility which rents slips to recreational boats which are used by
140 transients for sleeping, which shall be at least two percent, but not more than
141 five percent per occupied room per night, except that such tax shall not become
142 effective unless the governing body of the city or county submits to the voters of
143 the city or county at a state general, primary or special election, a proposal to
144 authorize the governing body of the city or county to impose a tax pursuant to the
145 provisions of this section and section 67.1362. The tax authorized by this section
146 and section 67.1362 shall be in addition to any charge paid to the owner or
147 operator and shall be in addition to any and all taxes imposed by law and the
148 proceeds of such tax shall be used by the city or county solely for funding the
149 promotion of tourism. Such tax shall be stated separately from all other charges
150 and taxes.

94.271. 1. The governing body of any city of the fourth
2 **classification with more than twenty-four thousand eight hundred but**
3 **fewer than twenty-five thousand inhabitants may impose a tax on the**
4 **charges for all sleeping rooms paid by the transient guests of hotels or**
5 **motels situated in the city or a portion thereof, which shall not be more**
6 **than five percent per occupied room per night, except that such tax**
7 **shall not become effective unless the governing body of the city submits**
8 **to the voters of the city at a state general or primary election a**
9 **proposal to authorize the governing body of the city to impose a tax**

10 **under this section. The tax authorized in this section shall be in**
11 **addition to the charge for the sleeping room and all other taxes**
12 **imposed by law, and the proceeds of such tax shall be used by the city**
13 **for the promotion of tourism. Such tax shall be stated separately from**
14 **all other charges and taxes.**

15 **2. The ballot of submission for the tax authorized in this section**
16 **shall be in substantially the following form:**

17 **Shall (insert the name of the city) impose**
18 **a tax on the charges for all sleeping rooms paid by the transient guests**
19 **of hotels and motels situated in (name of city)**
20 **at a rate of (insert rate of percent) percent for the purpose of**
21 **promoting tourism?**

22 **YES** **NO**

23 **If a majority of the votes cast on the question by the qualified voters**
24 **voting thereon are in favor of the question, then the tax shall become**
25 **effective on the first day of the second calendar quarter following the**
26 **calendar quarter in which the election was held. If a majority of the**
27 **votes cast on the question by the qualified voters voting thereon are**
28 **opposed to the question, then the tax authorized by this section shall**
29 **not become effective unless and until the question is resubmitted under**
30 **this section to the qualified voters of the city and such question is**
31 **approved by a majority of the qualified voters of the city voting on the**
32 **question.**

33 **3. As used in this section, "transient guests" means a person or**
34 **persons who occupy a room or rooms in a hotel or motel for thirty-one**
35 **days or less during any calendar quarter.**

94.902. 1. The governing body of any city of the third classification with
2 more than twenty-six thousand three hundred but less than twenty-six thousand
3 seven hundred inhabitants, or any city of the fourth classification with more than
4 thirty thousand three hundred but fewer than thirty thousand seven hundred
5 inhabitants, **or any city of the fourth classification with more than**
6 **twenty-four thousand eight hundred but fewer than twenty-five**
7 **thousand inhabitants**, may impose, by order or ordinance, a sales tax on all
8 retail sales made in the city which are subject to taxation under chapter 144,
9 RSMo. The tax authorized in this section may be imposed in an amount of up to
10 one-half of one percent, and shall be imposed solely for the purpose of improving

11 the public safety for such city, including but not limited to expenditures on
12 equipment, city employee salaries and benefits, and facilities for police, fire and
13 emergency medical providers. The tax authorized in this section shall be in
14 addition to all other sales taxes imposed by law, and shall be stated separately
15 from all other charges and taxes. The order or ordinance imposing a sales tax
16 under this section shall not become effective unless the governing body of the city
17 submits to the voters residing within the city, at a county or state general,
18 primary, or special election, a proposal to authorize the governing body of the city
19 to impose a tax under this section.

20 2. The ballot of submission for the tax authorized in this section shall be
21 in substantially the following form:

22 Shall the city of (city's name) impose a
23 citywide sales tax at a rate of (insert rate of percent) percent for the
24 purpose of improving the public safety of the city?

25 YES NO

26 If you are in favor of the question, place an "X" in the box opposite "YES". If you
27 are opposed to the question, place an "X" in the box opposite "NO".

28 If a majority of the votes cast on the proposal by the qualified voters voting
29 thereon are in favor of the proposal, then the ordinance or order and any
30 amendments to the order or ordinance shall become effective on the first day of
31 the second calendar quarter after the director of revenue receives notice of the
32 adoption of the sales tax. If a majority of the votes cast on the proposal by the
33 qualified voters voting thereon are opposed to the proposal, then the tax shall not
34 become effective unless the proposal is resubmitted under this section to the
35 qualified voters and such proposal is approved by a majority of the qualified
36 voters voting on the proposal. However, in no event shall a proposal under this
37 section be submitted to the voters sooner than twelve months from the date of the
38 last proposal under this section.

39 3. Any sales tax imposed under this section shall be administered,
40 collected, enforced, and operated as required in section 32.087, RSMo. All sales
41 taxes collected by the director of the department of revenue under this section on
42 behalf of any city, less one percent for cost of collection which shall be deposited
43 in the state's general revenue fund after payment of premiums for surety bonds
44 as provided in section 32.087, RSMo, shall be deposited in a special trust fund,
45 which is hereby created in the state treasury, to be known as the "City Public

46 Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed
47 to be state funds and shall not be commingled with any funds of the state. The
48 provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
49 this fund shall not be transferred and placed to the credit of the general revenue
50 fund. The director shall keep accurate records of the amount of money in the
51 trust fund and which was collected in each city imposing a sales tax under this
52 section, and the records shall be open to the inspection of officers of the city and
53 the public. Not later than the tenth day of each month the director shall
54 distribute all moneys deposited in the trust fund during the preceding month to
55 the city which levied the tax. Such funds shall be deposited with the city
56 treasurer of each such city, and all expenditures of funds arising from the trust
57 fund shall be by an appropriation act to be enacted by the governing body of each
58 such city. Expenditures may be made from the fund for any functions authorized
59 in the ordinance or order adopted by the governing body submitting the tax to the
60 voters. If the tax is repealed, all funds remaining in the special trust fund shall
61 continue to be used solely for the designated purposes. Any funds in the special
62 trust fund which are not needed for current expenditures shall be invested in the
63 same manner as other funds are invested. Any interest and moneys earned on
64 such investments shall be credited to the fund.

65 4. The director of the department of revenue may authorize the state
66 treasurer to make refunds from the amounts in the trust fund and credited to any
67 city for erroneous payments and overpayments made, and may redeem dishonored
68 checks and drafts deposited to the credit of such cities. If any city abolishes the
69 tax, the city shall notify the director of the action at least ninety days before the
70 effective date of the repeal, and the director may order retention in the trust
71 fund, for a period of one year, of two percent of the amount collected after receipt
72 of such notice to cover possible refunds or overpayment of the tax and to redeem
73 dishonored checks and drafts deposited to the credit of such accounts. After one
74 year has elapsed after the effective date of abolition of the tax in such city, the
75 director shall remit the balance in the account to the city and close the account
76 of that city. The director shall notify each city of each instance of any amount
77 refunded or any check redeemed from receipts due the city.

78 5. The governing body of any city that has adopted the sales tax
79 authorized in this section may submit the question of repeal of the tax to the
80 voters on any date available for elections for the city. The ballot of submission
81 shall be in substantially the following form:

82 Shall (insert the name of the city) repeal the
83 sales tax imposed at a rate of (insert rate of percent) percent for the
84 purpose of improving the public safety of the city?

85 YES NO

86 If a majority of the votes cast on the proposal are in favor of repeal, that repeal
87 shall become effective on December thirty-first of the calendar year in which such
88 repeal was approved. If a majority of the votes cast on the question by the
89 qualified voters voting thereon are opposed to the repeal, then the sales tax
90 authorized in this section shall remain effective until the question is resubmitted
91 under this section to the qualified voters, and the repeal is approved by a
92 majority of the qualified voters voting on the question.

93 6. Whenever the governing body of any city that has adopted the sales tax
94 authorized in this section receives a petition, signed by ten percent of the
95 registered voters of the city voting in the last gubernatorial election, calling for
96 an election to repeal the sales tax imposed under this section, the governing body
97 shall submit to the voters of the city a proposal to repeal the tax. If a majority
98 of the votes cast on the question by the qualified voters voting thereon are in
99 favor of the repeal, that repeal shall become effective on December thirty-first of
100 the calendar year in which such repeal was approved. If a majority of the votes
101 cast on the question by the qualified voters voting thereon are opposed to the
102 repeal, then the tax shall remain effective until the question is resubmitted under
103 this section to the qualified voters and the repeal is approved by a majority of the
104 qualified voters voting on the question.

105 7. Except as modified in this section, all provisions of sections 32.085 and
106 32.087, RSMo, shall apply to the tax imposed under this section.

137.1040. 1. In addition to other levies authorized by law, the
2 **county commission in counties not adopting an alternative form of**
3 **government and the proper administrative body in counties adopting**
4 **an alternative form of government, or the governing body of any city,**
5 **town, or village, in their discretion may levy an additional tax, not to**
6 **exceed one quarter of one cent on each one hundred dollars assessed**
7 **valuation, on all taxable real property located within such city, town,**
8 **village, or county, all of such tax to be collected and allocated to the**
9 **city, town, village, or county treasury, where it shall be known and**
10 **designated as the "Cemetery Maintenance Trust Fund" to be used for**

11 the upkeep and maintenance of cemeteries located within such city,
12 town, village, or county.

13 2. To the extent necessary to comply with article X, section 22(a)
14 of the Missouri Constitution, for any city, town, village, or county with
15 a tax levy at or above the limitations provided under article X, section
16 11(b), no ordinance adopted under this section shall become effective
17 unless the county commission or proper administrative body of the
18 county, or governing body of the city, town, or village submits to the
19 voters of the city, town, village, or county at a state general, primary,
20 or special election a proposal to authorize the imposition of a tax under
21 this section. The tax authorized under this section shall be levied and
22 collected in the same manner as other real property taxes are levied
23 and collected within the city, town, village, or county. Such tax shall
24 be in addition to all other taxes imposed on real property, and shall be
25 stated separately from all other charges and taxes. Such tax shall not
26 become effective unless the county commission or proper
27 administrative body of the county or governing body of the city, town,
28 or village, by order or ordinance, submits to the voters of the county a
29 proposal to authorize the city, town, village, or county to impose a tax
30 under this section on any day available for such city, town, village, or
31 county to hold elections or at a special election called for that purpose.

32 3. The ballot of submission for the tax authorized in this section
33 shall be in substantially the following form:

34 "Shall (insert the name of the
35 city, town, village, or county) impose a tax on all real property situated
36 in (name of the city, town, village, or
37 county) at a rate of one quarter of one cent per one hundred dollars
38 assessed valuation percent for the sole purpose of providing funds for
39 the maintenance, upkeep, and preservation of city, town, village, or
40 county cemeteries?"

41 YES NO

42 If a majority of the votes cast on the question by the qualified voters
43 voting thereon are in favor of the question, then the tax shall become
44 effective on the first day of the second calendar quarter immediately
45 following notification to the city, town, village, or county collector. If
46 a majority of the votes cast on the question by the qualified voters

47 voting thereon are opposed to the question, then the tax shall not
48 become effective unless and until the question is resubmitted under
49 this section to the qualified voters and such question is approved by a
50 majority of the qualified voters voting on the question.

51 4. The tax imposed under this section shall be known as the
52 "Cemetery Maintenance Tax". Each city, town, village, or county
53 imposing a tax under this section shall establish separate trust funds
54 to be known as the "Cemetery Maintenance Trust Fund". The city, town,
55 village, or county treasurer shall deposit the revenue derived from the
56 tax imposed under this section for cemetery purposes in the city, town,
57 village, or county cemetery maintenance trust fund. The proceeds of
58 such tax shall be appropriated by the county commission or
59 appropriate administrative body, or the governing body of the city,
60 town, or village exclusively for the maintenance, upkeep, and
61 preservation of cemeteries located within the county.

62 5. All applicable provisions in this chapter relating to property
63 tax shall apply to the collection of any tax imposed under this section.

✓

Bill
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